

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KARL FUGATE,

Plaintiff,

v.

RON ERDOS, et al.,

Defendants.

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Case No. 1:19-CV-00030

JUDGE MATTHEW W. McFARLAND

Magistrate Judge Stephanie K. Bowman

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE RESPONSE TO
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (DOC. 54)**

Defendants respectfully request an extension of time until September 7, 2020, to file their response to Plaintiff's Motion for Summary Judgment (Doc. 54) in conjunction with Defendants' Motion for Summary Judgment. The attached Memorandum supports Defendants' Motion.

Respectfully submitted,
DAVE YOST
Ohio Attorney General

s/Thomas E. Madden
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Trial Counsel for Defendants

MEMORANDUM

Plaintiff is an inmate housed at the Ohio State Penitentiary (“OSP”) proceeding pro se against the following Defendants: Ron Erdos, Lieutenant Eshem, Sergeant Felts, Officer Fri and Officer McCoy. (See generally Doc. 3). On June 4, 2020, Plaintiff filed his motion for summary judgment. (Doc. 54). On June 3, 2020, Undersigned was assigned to this case, substituting Zachary Holscher, as lead counsel. (Doc. 53).

Newly assigned Counsel for Defendants respectfully requests an extension of time, until September 7, 2020, to file their response to Plaintiff’s pending motion for summary judgment (Doc. 54) and to file their cross motion for summary judgment. Undersigned has familiarized himself with the claims and is in the process of drafting a response and motion. However, due to unforeseen events, undersigned has traveled, and must continue to travel, for the month of August. Last week, the undersigned traveled out of state for medical testing, and will travel out of state in the upcoming weeks for a medical procedure. In addition, undersigned recently filed an opposition to summary judgment / cross motion in *White v. Stringer*, 19-cv-1009 (S.D. Ohio). Furthermore, this week undersigned intends to file motion for summary judgment in *Lamb v. Reece*, 20 cv 265 (S.D. Ohio) and *White v. Dunn*, 19 cv 470 (S.D. Ohio). Last week, the undersigned prepared for a mediation in *Manley v. Hughes*, 18 cv 1431 (N.D. Ohio). Moreover, it has been difficult and in reaching out to clients and witnesses given the pandemic. Counsel is unable to travel and visit his clients at the prison, which is his normal routine.

Undersigned intends to respond to the pending motion for summary judgment filed by Plaintiff and file a motion for summary judgment on behalf of Defendants. If granted, the new date for such response and Defendants’ motion for summary judgment would be September 7, 2020.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Defendants' Motion for an Extension of Time to File Response to Plaintiff's Motion for Summary Judgment (Doc. 54)* was filed via electronic transmission on August 3, 2020, and was sent by regular, first-class mail to Karl Fugate, #A528-949, Ohio State Penitentiary, 878 Coitsville-Hubbard Road, Youngstown, OH 44505 on June 24, 2020.

s/Thomas E. Madden
THOMAS E. MADDEN (0077069)
Senior Assistant Attorney General